

CUSTOMER NO. 22186

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Attorney Docket No. Eijk 2-4-3-4-2-2-7

In re application of:

Peter van Eijk, Reed K. Even, Piet van Heyningen, Song Jiang, Kyeong-Soo Kim, Woojune Kim, Fengkun Liu, and Yong-Kwan Park

Serial No.: 09/781,864

Group Art Unit: 2633

Filed: 02/12/01

Examiner: Nathan M. Curs

Matter No.: 990.0330

Phone No.: Not yet known

For: Fast Protection Switching by Snooping on Upstream Signals in an Optical Network

RESPONSE UNDER 37 CFR 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Response is filed in response to the office action of 10/31/03.

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REMARKS/ARGUMENTS

Claims 1-17 are pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of these remarks.

In paragraph 1 of the office action, the Examiner stated that the application contains claims directed to two patentably distinct species, identifying Species 1 as corresponding to Figs. 3A-H and page 15, line 24, to page 18, line 13, and Species 2 as corresponding to Figs. 10A-E and page 18, line 14, to page 19, line 25. In response, the Applicant elects Species 2 corresponding to claims 7-17 with traverse.

* * * * *

Certification Under 37 CFR 1.8

Date of Deposit 11/7/03

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Gerry Marrero
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The Applicant traverses the restriction requirement because the Examiner misidentified Figs. 3A-H as a species of the present invention. In fact, Figs. 3A-H show timing diagrams that illustrate the relationship between the values of *Teq*, *Tid*, and *Td* as well as provide a simple explanation of the ranging process carried out in ATM-PON systems that conform to the ITU-T Recommendation G.983.1. As such, Figs. 3A-H does not correspond to a species of the present invention for which any claims are readable thereon.

Respectfully submitted,

Date: 11/7/03
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